

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12884 of Baptist World Alliance and D.C. Baptist Convention, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3105.41 to operate a parking lot in an R-5-C District at the premises 1630-1636 - 16th Street, N.W., (Square 179, Lots 103, 44, 45, 46 and 47).

HEARING DATE: March 14, 1979

DECISION DATE: April 4, 1979

FINDINGS OF FACT:

1. The subject parking lot is located at the southwest corner of the intersection of 16th and R Street, N.W. and is known as 1630-1636 - 16th Street, N.W. It is in an R-5-C District

2. The subject site is approximately 110 feet by 100 feet. It can accomodate some thirty cars. During the day hours it is unattended. The lot is paved with asphalt.

3. The applicant owners have their main headquarters at 1628 - 16th Street, N.W. The lot is used by the employees of the applicants, a religious Order of Nuns at 1625 - 16th Street, N.W. and at night, basically by the Fox Trap Town Club, a non-profit social club. After six p.m. the club provides an attendant for the parking lot. During the day no fee is charged for parking. The Fox Trap Town Club pays no rent for the use of the parking lot.

4. Entry and exit for the lot is by way of R Street.

5. The applicants propose to expand their headquarters and are in active negotiations for such development. The main building will be renovated and parking will be provided in the renovated building. The subject parking lot will be used for residential development.

6. At the time the subject lots were purchased by the applicants, they were improved with five housing units. The houses were demolished in 1971 and the parking lot was created.

7. By BZA Order No. 10904, effective November 23, 1971, the Board denied these applicants permission to establish a parking lot on the subject property on the grounds that it would create dangerous and otherwise objectionable traffic conditions, the present character and future development of the neighborhood would be adversely affected and that the lot was not reasonably necessary and convenient to other uses in the vicinity.

8. The applicants have been operating the subject lot without ever having obtained a Certificate of Occupancy. The applicants testified that they had received conflicting reports from D. C. Government officials as to their need for a Certificate of Occupancy to operate the lot.

9. The Dupont Circle Citizens Association opposed the application on the grounds that its organization has been trying for years to get the D.C. Government to prosecute the subject illegal use, that this lot and one other are the only two parking lots on 16th Street, an historic district, between the White House and the Maryland border and both are illegal and that 16th Street is well served by public transportation, as are 18th Street and P Street, a cross street. The Board is hesitant to condone this illegal use. It also concurs that substantial public transportation is available to this subject neighborhood.

10. Advisory Neighborhood Commission 2B opposed the application. On February 28, 1979 the ANC voted unanimously to oppose the application on the grounds expressed by the Dupont Circle Citizens Association and, in addition, that there is now parking available on both sides of 16th Street and other major streets in this area at night. The ANC stressed that the illegality not be condoned by an approval of this application. The Board concurs.

11. There was one letter of record in support of the application from the aforementioned nuns who have had use of the subject lot for ten years.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that to grant the application would not be in harmony with Sub-section 8207.2 of the Zoning Regulations. The illegal use has been in existence since November 23, 1971 and continues to this day. This factor is not in harmony with the general purpose and intent of the Zoning Regulations. The applicants' blatant disregard of the Zoning Regulations lends to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps.

The Board further notes that the subject area is well serviced by public transportation that can service the applicants' employees and residents of this area. Furthermore, the applicant is losing no monetary benefit during this interim period while its' future plans for the site are being negotiated. For all these reasons this application is DENIED.

VOTE:

3-2 (Walter B. Lewis, Charles R. Norris and William F. McIntosh to deny; Chloethiel Woodard Smith and Leonard L. McCants to grant)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

9 JUL 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."